

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROY RASHAD WELLS,

Plaintiff,

v.

NATHAN GROZAV,

Defendant.

CASE NO. 2:24-cv-2090-JNW

ORDER TO SHOW CAUSE

The Court raises this matter on its own accord. Under the Federal Rules of Civil Procedure, plaintiffs must—within 90 days of filing their complaint—perfect service of process upon each defendant and file proof of service with the Court. *See* Fed. R. Civ. P. 4(l), (m). Because Pro se Plaintiff Roy Rashad Wells filed his complaint on December 31, 2024, the 90-day window for service of process has now elapsed.

Wells filed an Affidavit of Mailing Summons and Complaint to Defendant Nathan Grozav, Dkt. No. 8, but upon review, the Court finds that Wells’s affidavit does not adequately prove service of process and contains defects. First, the “server” Yessenia Castillo states that she “served the summons” but does not mention the

1 complaint. Dkt. No. 8 at 1. “A summons must be served with a copy of the
2 complaint.” Fed. R. Civ. P. 4(c)(1).

3 Second, the affidavit does not appear to satisfy Rule 4(e). To serve a
4 defendant in the United States, a plaintiff must satisfy either Rule 4(e)(1) or Rule
5 4(e)(2). Under Rule 4(e)(1), plaintiffs may serve a defendant in the United States by
6 “following state law for serving a summons in an action brought in courts of general
7 jurisdiction in the state where the district court is located or where service is
8 made[.]” Fed. R. Civ. P. 4(e)(1). Here, Washington law would apply.


9 Washington law permits service of summons by mail in circumstances
10 justifying service by publication. Washington CR 4(d)(4). Washington law
11 authorizes service of summons by publication under nine circumstances
12 enumerated in RCW 4.28.100(1)-(9). In this case, Wells has not shown any of these
13 circumstances apply here.

14 Under Rule 4(e)(2), a plaintiff may serve a defendant in the United States by
15 “delivering a copy of the summons and of the complaint to the individual personally;
16 . . . leaving a copy of each at the individual’s dwelling or usual place of abode with
17 someone of suitable age and discretion who resides there; or . . . delivering a copy of
18 each to an agent authorized by appointment or by law to receive service of process.”
19 Fed. R. Civ. P. 4(e)(2)(A)-(C). Certified mail is not sufficient under any of these
20 options.

21 Accordingly, the Court ORDERS Wells to show cause why the complaint
22 should not be dismissed for failure to timely serve the summons and complaint.
23

1 Wells must respond to this order by September 3, 2025. Failure to do so will result
2 in dismissal of this lawsuit.

3 Dated this 19th day of August, 2025.

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5 Jamal N. Whitehead
6 United States District Judge
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